IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13632 of 2004

Between:

Adabala Venkateswara Rao, s/o Musallayya,
r/o Mogalthoor, Mogalthoor (M), West Godavari District.

..... PETITIONER

AND

1 The Executive Engineer, Panchayath Raj Department,
Narasapur, West Godavari District.
2 The Mandal Parishad Development Officer, Mogalthur Mandal,
West Godavari District.
3 The Sarpanch, Mogalthur Gram Panchayath,
Mogalthur, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus to direct the respondents to entrust the construction of the School building for the Mandal Parishad Elementary School No.2 at Mogalthoor, West Godavari District as per the resolution No.30 dt.14-10-2002 of the Gram Panchayath.

Counsel for the Petitioner: MR.Y.V.SRINIVASAN

Counsel for the Respondent Nos.1to2: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.3 : D.Srinivas, SC for Gram Panchayat

The Court made the following order at the Admission stage:

ORDER:

The petitioner is a class III contractor in Panchayat Raj Department. He also claims to be the convenor of the works committee of Mogalthoor Gram Panchayat. It appears the Government of Andhra Pradesh sanctioned an amount of Rs.5,00,000/- (Rupees five lakh only) under Swarna Jayanthi Gramina Rojgar Yojana for construction of school building. The petitioner alleges that the Grama Panchayat passed resolution No.30 dated 14.10.2002, resolving to get the school building constructed on nomination basis through the petitioner, who is convenor of the works committee. It is now allege that the Sarpanch, in deviation of resolution No.30, has taken up construction work, though pursuant to the resolution the petitioner has incurred considerable expenditure for groundbreaking ceremony. Aggrieved by the action of the Sarpanch in taking steps for constructing the building by himself against the resolution of the Gram Panchayat, the present writ petition is filed.

The petitioner is admittedly a contractor and he desires to execute the work on nomination basis when the Gram Panchayat initially passed resolution to entrust the work to him. But later as the Gram Panchayat decided to take up the work by itself, the petitioner cannot be said to have any *locus standi* to question such action of the Gram Panchayat. It is well settled that no person can compel any public authority to allot works on contract to him or her. I do not see any vested right in the petitioner that can be enforced in this writ petition.

The writ petition is misconceived and is dismissed. No costs.

Sd/- M.A.NAYEEM PASHA

ASST.REGISTRAR

//True Copy//

Section Officer

To

1. The Executive Engineer, Panchayath Raj Department,
   Narasapur, West Godavari District.
2 The Mandal Parishad Development Officer, Mogalthur Mandal,
   West Godavari District.
3 The Sarpanch, Mogalthur Gram Panchayath,
   Mogalthur, West Godavari District.

4. 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad. (OUT)

5. 2 CD copies.

6. **One cc to Mr.Y.V.Srinivasan, Advocate.**

TRk

HIGH COURT

DATED:

4.8.2004

ORDER:

W.P.NO. 13632 OF 2004

DISMISSING THE WP

WITHOUT COSTS